



identical, and the additional work was necessary. Therefore, the Court rejects Defendant's arguments regarding Plaintiff's counsel being paid twice for the same work, and the Court finds that it was reasonable for Plaintiff's counsel to spend 8.2 hours researching and drafting issues tailored to the ALJ's new decision.

The Court also finds that 2.1 hours was reasonable to draft the procedural section because half of that section relates to the prior decision. However, the time charged is for the additional information that had to be added. For example, the Court's prior decision had to be reviewed and then summarized. The new ALJ decision had to be summarized. Updates were made to the page numbers where evidence could be found. The Court finds that the work was reasonable and necessary. Additionally, the Court finds that the fees incurred in preparing a Reply were also reasonable and necessary.

Finally, the Court will not, however, require Defendant to pay the additional fees of \$755.87 that Plaintiff seeks for fees incurred in preparing the Reply.

**IT IS HEREBY ORDERED** that attorney fees in the total amount of Six Thousand Nine Hundred Thirty-Eight Dollars and Twelve Cents (\$6,938.12) pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) are awarded to Plaintiff. Astrue v. Ratliff, 130 S. Ct. 2521 (2010).

The Court hereby awards EAJA fees, as follows:

1. Plaintiff is awarded 28.3 hours at \$229.05 per hour in the first half of 2022 in the amount of \$6,482.12 for attorney's fees under 28 U.S.C. § 2412(d):
2. Plaintiff is awarded 5.7 hours at \$80.00 per hour in the amount of \$456.00 for Paralegal Services.

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees, expenses,

and costs are not subject to offset allowed under the Department of the Treasury's Offset Program (TOPS), then the check for EAJA fees, expenses, and costs shall be made payable to Plaintiff's attorney, Olinsky Law Group. Any payment of costs may be made either by electronic fund transfer (EFT) or by check.

Whether the check is made payable to Plaintiff or to Plaintiff's attorney, the check shall be mailed to Olinsky Law Group at the following address:

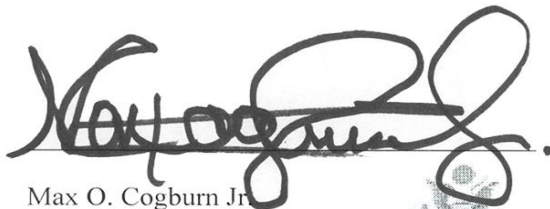
250 South Clinton Street

Suite 210

Syracuse, NY 13202

**IT IS SO ORDERED.**

Signed: March 10, 2023



Max O. Cogburn Jr.  
United States District Judge